

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

|                                    |   |                                   |
|------------------------------------|---|-----------------------------------|
| <b>ZERESENAY ERMIA TESFATSION,</b> | ) | <b>CASE NO. 4:18-CV-1023</b>      |
|                                    | ) |                                   |
| <b>Petitioner,</b>                 | ) |                                   |
|                                    | ) | <b>JUDGE DAN AARON POLSTER</b>    |
| <b>v.</b>                          | ) |                                   |
|                                    | ) |                                   |
| <b>JEFF SESSIONS,</b>              | ) | <b><u>OPINION &amp; ORDER</u></b> |
|                                    | ) |                                   |
| <b>Respondent.</b>                 | ) |                                   |

Petitioner Zeresenay Ermias Testfatsion filed a habeas corpus petition pursuant to 28 U.S.C. § 2241 on May 3, 2018, seeking release from custody pending his removal to his native country, Eritrea. Doc #: 1. The Government filed a Motion to Dismiss for Lack of Jurisdiction on August 27, 2018. Doc #: 7. In its Motion, the Government explains that while Petitioner was in Egyptian custody awaiting his flight to Eritrea, he was found deceased. Mot. at 1. This Court lacks jurisdiction over a habeas corpus petition brought pursuant to 28 U.S.C. § 2241 if the petitioner dies while the petition is pending. *See Gorrasi v. Warden, Pickaway Correctional Inst.*, No. 1:12-CV-65, 2012 WL 5378811 (S.D. Ohio Oct. 30, 2012). Thus, the Court no longer has subject matter jurisdiction over this action. Accordingly, Petitioner's habeas corpus petition pursuant to 28 U.S.C. § 2241 is **DISMISSED**.

**IT IS SO ORDERED.**

**/s/Dan Aaron Polster Aug. 29, 2018**  
**DAN AARON POLSTER**  
**UNITED STATES DISTRICT COURT**